

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, JANUARY 8, 2009, AT 6:00 P.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731**

**BOARD OF HARBOR COMMISSIONERS  
President S. David Freeman  
Vice President Jerilyn López Mendoza  
Commissioner Kaylynn L. Kim  
Commissioner Douglas P. Krause  
Commissioner Joseph R. Radisich**

**A. OPENING STATEMENT – AN OPPORTUNITY FOR MEMBERS  
OF THE PUBLIC TO ADDRESS THIS BOARD**

**PERSONS IN THE AUDIENCE MAY ADDRESS THIS BOARD  
IN CONNECTION WITH ANY AGENDA ITEM OR DURING  
THE PUBLIC COMMENT PERIOD.**

**AS PROVIDED BY THE BROWN ACT, THE BOARD HAS  
LIMITED EACH INDIVIDUAL'S SPEAKING TIME TO THREE  
MINUTES. ANYONE DESIRING TO SPEAK DURING THE  
PUBLIC COMMENT PERIOD IS REQUESTED TO COMPLETE  
A SPEAKER CARD AND SUBMIT IT TO THE COMMISSION  
SECRETARY, VIA THE SERGEANT AT ARMS, PRIOR TO THE  
START OF THE MEETING.**

Commission actions, except actions which are subject to appeal or review by the Council pursuant to other provisions of the Charter, ordinance or other applicable law, are not final until the expiration of the next five meeting days of the City Council during which the Council has convened in regular session. If the Council asserts jurisdiction during this five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

Please note that this agenda is subject to revision in accordance with the Brown Act. In the event the agenda is revised prior to the meeting, Port staff will endeavor to post the revised agenda on the Port's web site (<http://www.portoflosangeles.org>). Updated agendas also will be available in hard copy at the meeting. Live Board meetings can also be heard at: (213) 621-City (Metro), (818) 904-9450 (Valley), (310) 471-City (Westside) and (310) 547-City (Harbor).

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

Sign language interpreters, assistive listening devices, and translation services may be provided. To ensure availability, 72-hour advance notice is required. Contact the Commission office at (310) 732-3444.

Interpretes de señas, sistemas auditivos y servicios de traducciones están disponibles. Para asegurar disponibilidad, se requiere solicitarlos con 72 horas de anticipación. Para hacer la solicitud, llame a la oficina de la Comisión al (310) 732-3444.

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**B. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

**C. REPORT OF THE EXECUTIVE DIRECTOR**

**D. REPORTS OF COMMISSIONERS**

**E. BOARD COMMITTEE REPORTS**

**F. PRESENTATION**

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**G. Planning and Research**

**PUBLIC HEARING**

Pursuant to the California Coastal Act of 1976, the Los Angeles Harbor Department hereby gives notice to all interested persons, organizations, and agencies that a Draft Amendment to the Port of Los Angeles Certified Port Master Plan has been prepared as follows:

The Draft Port Master Plan Amendment allows for Main Channel Deepening Project design modifications located at the (1) East Turning Basin (400,000 cubic yards (cy)), (2) Southwest Slip (170,000 cy), and (3) Main Channel entrance, adjacent to the Pilot Station (550,000 cy). The Amendment also provides for new dredge disposal sites necessary to complete the Main Channel Deepening Project, located at (1) Berths 134-135 in the Northwest Slip (five acres), (2) Berths 243-245, the former Southwest Marine Shipyard site (eight acres), (3) Cabrillo Shallow Water Habitat (CHWH) expansion (50 acres), (4) Eelgrass Habitat Area adjacent to CSWH (25 acres), and (5) LA-2 ocean disposal site. The Berths 243-245 site would be used as a Confined Disposal Facility for the placement of contaminated materials unsuitable for open ocean disposal. The draft amendment will also address land use designations on the proposed fill sites. The Northwest Slip site will include General Cargo and Other (railyard, roadways, utilities) land use designations, and the land use designation for the fill at Berths 243-245, the former Southwest Marine Shipyard site, will be designated as Other.

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**H. REPORTS OF THE EXECUTIVE DIRECTOR**

**Consent Item (1)**

**Information Technology**

- 1. Re: RESOLUTION NO. \_\_\_\_\_ - AGREEMENT WITH AT&T THROUGH THE STATE OF CALIFORNIA FOR LOCAL / LONG DISTANCE, DATA, AND RELATED SERVICE**

***SUMMARY: Since 1999, the City of Los Angeles Harbor Department (Harbor Department) has had an agreement with AT&T. This agreement provides for local and long distance services through the State of California Integrated Information Network Master Services Agreements (MSA), also known as "California Network," CALNET 1.***

***AT&T was awarded this agreement because of their very aggressive pricing and worldwide standard of excellence. It is beneficial for the Harbor Department to continue using AT&T from a cost savings standpoint and also with no disruption in service or change in carriers. Information Technology Division (ITD) requests authority to execute two Authorization to Orders (ATOs) under CALNET 2, MSA 1 and MSA 2. MSA 1 is for voice services, data services, internet, data and voice equipment and wiring. MSA 2 is for long distance services. For each of the agreements, the term is five years from the date of execution by the State of California through January 30, 2012, with two additional one-year renewal options ending January 30, 2014. The Harbor Department requests approval from date of execution to the end of the State's agreements. The Harbor Department can withdraw from CALNET 2 without penalty after two years and after providing a 30-day written notice to AT&T to cancel the agreements.***

**Recommendation: Board resolve that (1) the two Authorization to Orders under the State of California Integrated Information Network Master Services Agreements be approved; (2) the Board Secretary be authorized to execute and directed to forward MSAs 1 and 2 ATOs to the City Council for approval pursuant to Section 373 of the City Charter; (3) the Executive Director or designee, and the Board Secretary be authorized and**

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1. (Continued)

attest to the two Authorization to Orders under the State of California Integrated Information Network Master Services Agreements; and (4) Resolution No. \_\_\_\_\_ be adopted.

## **Regular Items (2 & 3)**

### **Clean Truck Program**

2. Re: **RESOLUTION NO. \_\_\_\_\_ - APPROVAL OF NATOMA TECHNOLOGIES AS THE DEVELOPER FOR THE COMBINED PORT OF LOS ANGELES AND PORT OF LONG BEACH DRAYAGE TRUCK REGISTRY**

***SUMMARY: This action seeks approval of staff's recommendation to enter into a contract with Natoma Technologies (Natoma), located in Sacramento, California as the contractor to develop the permanent Drayage Truck Registry (DTR) for the Clean Truck Program (CTP). Natoma is an excellent custom software developer with a very good understanding of the Port of Los Angeles and Port of Long Beach (Ports) overall needs and the scope of services required to develop the DTR. They also offer the special benefit of being the current contractor to the California Air Resources Board for development of their DTR. On September 2, 2008, the Ports issued a Request for Proposals (RFP) seeking qualified firms to develop a permanent DTR. Six firms responded to the RFP. Four of those firms were interviewed (score sheet results are included below in the body of this Board Report). After the interviews were completed, the Ports selected Natoma as the most qualified firm to do this work. Staff has negotiated a contract with Natoma in the form set forth in Transmittal 1. The Scope of Work, including deliverables and cost are set forth in Exhibit B to the Agreement and have also been developed by staff with Natoma. A budget of \$566,000 (\$492,000 plus a 15% contingency) is requested for this contract. One-half of the total or \$283,000 will be reimbursed by the Port of Long Beach under a Cost Sharing Agreement.***

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**2. (Continued)**

**Recommendation: Board resolve that (1) Natoma Technologies be approved as the developer for the Ports' DTR; (2) the Agreement (Transmittal 1), as to substantial form be approved; (3) the Executive Director be authorized to finalize the Exhibits to the Agreement, including the Scope of Work as may be necessary to adjust for unforeseen circumstances and maintain the smooth functioning of the program as well as establish administrative procedures, accounts and processes to carry-out the program; (4) funding for this action, in the amount of \$566,000 which is appropriated in Account No. 59967, Center No. 0210, Program No. 652 be approved; (5) the Executive Director approve to execute and the Board Secretary to attest to the Agreement for and on behalf of the Board; and (6) Resolution No. \_\_\_\_\_ be adopted.**

**City Attorney**

- 3. Re: RESOLUTION NO. \_\_\_\_\_ WAIVING THE POTENTIAL CONFLICT WITH RESPECT TO SIDLEY AUSTIN, LLP REPRESENTATION OF PACIFIC GAS AND ELECTRIC COMPANY RE: CLAIMS AGAINST THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER**

***SUMMARY: The proposed action involves the Board approval of a requested waiver of a potential conflict of interest from the law firm of Sidley Austin, LLP. The firm is currently part of a pool of law firms providing legal services to the Harbor Department ("Department") for bond and finance matters. As a result of new attorneys recently joining the firm, Sidley now represents Pacific Gas and Electric Company in several lawsuits and refunding cases brought against the City of Los Angeles Department of Water and Power.***

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**3. (Continued)**

**Recommendation: Board resolve that (1) the Board of Harbor Commissioners formally waives any potential conflict that might arise by way of Sidley Austin, LLP representation of Pacific Gas & Electric Company in the matters of: *Pacific Gas & Electricity Co. et al. v. Arizona Electric Power Cooperative, Inc., et al.*, Case No. 2:06cv559 MCE-KJM (E.D. Cal.); *San Diego Gas & Electric Co. v. Arizona Electric Power Cooperative et al.*, Case No. 2:06cv592 MCE-KJM (E.D. Cal.); *People ex rel. Lockyer v. Los Angeles Department of Water and Power*, (Sacramento Superior Court Case No. 06AS05354); *Pacific Gas & Electric Company, et al. v. Arizona Electric Power Cooperative, Inc., et al.* (Los Angeles Superior Court Case No. BC369141); FERC Docket No. EL00-95, et al., *San Diego Gas & Electric Company v. Sellers energy and ancillary services in markets operated by the California Independent System Operator and the California Power exchange*; FERC Docket No. EL01-10, Puget Sound Energy, Inc. v. Sellers of energy and/or capacity at wholesale into electric energy and/or capacity markets in the Pacific Northwest; and FERC Docket No. EL03-157, *Los Angeles Department of Water and Power*; (2) authorize the City Attorney's Office to execute a written conflict waiver; and (3) adopt this Resolution No. \_\_\_\_\_ approving the conflict waiver.**

**I. DEPUTY EXECUTIVE DIRECTOR REPORT**

**Deputy Executive Director Michael Christensen.**

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**J. CLOSED SESSION**

- 1. Discussion of pending litigation entitled: American Trucking Associations, Inc. v. City of Los Angeles, et al., United States District Court Case No. 08-04920-CAS, and United States Court of Appeals for the Ninth Circuit Case No. 08-56503, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 2. Discussion of pending litigation entitled: Federal Maritime Commission v. City of Los Angeles, et al., Order of Investigation and Hearing, Docket No. 08-05, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 3. Discussion of pending litigation entitled: Federal Maritime Commission v. City of Los Angeles, et al., United States District Court Case No. 1:08-CV-01895-RJL, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 4. Discussion of pending litigation entitled: People ex rel. Lockyer v. City of Los Angeles, Sacramento Superior Court Case No. 06AS05354, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 5. Discussion of significant exposure to litigation relating to the claim presented by Halcrow, Inc. for compensation, pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.**
- 6. Discussion with legal counsel concerning significant exposure to litigation [three (3) potential cases], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.**
- 7. Consultation with Chief of Police Ron Boyd with respect to matters posing a threat to public buildings, public services or facilities, pursuant to California Government Code Section 54957.**

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- J. CLOSED SESSION – (Continued)**
- 8. Instructions to negotiators relating to lease negotiations with San Pedro Waterfront, LLC concerning proposed amendment to Revocable Permit No. 03-04 and Permit No. 856, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for San Pedro Waterfront, LLC will be Jayme Wilson. The negotiator for the Port of Los Angeles will be Kathryn McDermott.**
  - 9. Instructions to negotiators relating to lease negotiations with San Pedro Fish Markets concerning proposed amendment to Permit No. 387, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for San Pedro Fish Markets will be Tom Amalfitano. The negotiator for the Port of Los Angeles will be Kathryn McDermott.**
  - 10. Instructions to negotiators relating to lease negotiations with APM Terminals Pacific Ltd. concerning Permit No. 827, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for APM Terminals Pacific Ltd. will be Alan McCorkle. The negotiator for the Port of Los Angeles will be Kathryn McDermott.**
  - 11. Instructions to negotiators relating to lease negotiations with Evergreen Marine Corporation, Ltd. concerning Permit No. 888, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for Evergreen Marine Corporation, Ltd. will be Jason Hsu. The negotiator for the Port of Los Angeles will be Kathryn McDermott.**

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**J. CLOSED SESSION – (Continued)**

- 12. Instructions to negotiators relating to lease negotiations with Yusen Terminals, Inc. concerning Permit No. 692, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for Yusen Terminals, Inc. will be Patrick Burgoyne. The negotiator for the Port of Los Angeles will be Kathryn McDermott.**